

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ZOOLOGICAL SOCIETY OF BUFFALO, INC.,

Plaintiff,

v.

DECISION AND ORDER
10-CV-35

CARVEDROCK, LLC and
BURLINGTON INSURANCE COMPANY,

Defendants.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. §636(b)(1). On February 12, 2013, non-party Duane Weber Insurance, Inc. filed a motion for a protective order, under Federal Rule of Civil Procedure 26(c)(1)(A), with respect to a subpoena issued by defendant Burlington Insurance Company. (Dkt. No. 58) On April 18, 2013, Magistrate Judge Schroeder issued a Decision and Order granting the protective order. (Dkt. No. 69). Defendant Burlington Insurance Company appealed to this Court, from that Decision and Order, on May 2, 2013. (Dkt. No. 70) Duane Weber filed a response on May 16, 2013 and defendant filed a reply on May 24, 2013. (Dkt. Nos. 73 and 74).

Pursuant to 28 U.S.C. §636(b)(1)(A), the district court “may reconsider any

pretrial matter under this subparagraph (A), where it has been shown that the magistrate's order is clearly erroneous or contrary to law." *Id.* The Court has carefully reviewed Magistrate Judge Schroeder's Decision and Order and the submissions of the parties. Upon such review, the Court finds that Magistrate Judge Schroeder's Decision and Order granting the protective order is neither clearly erroneous nor contrary to law. Accordingly, the Court affirms the Decision and Order in its entirety.

The case is referred back to Magistrate Judge Schroeder for further proceedings.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: July 9, 2013